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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 002053

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DEPARTMENT FOR NEA/ELA, PRM/AFR, PRM/ANE, NEW/IPA,
JERUSALEM FOR REFCOORD, AMMAN FOR REFCOORD

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TAGS: [PREF](#) [PHUM](#) [PREL](#) [IS](#) [ER](#) [EG](#)

SUBJECT: RESPONSE TO DEMARCHE ON ASYLUM SEEKERS IN EGYPT

REF: A. STATE 95212

[B](#). CAIRO 1972

[C](#). CAIRO 1651

Classified By: Minister Counselor for Economic and Political Affairs
William R. Stewart for reasons 1.4 (b) and (d).

[1](#)1. (U) This cable contains an action request. Please see paragraph 7.

[1](#)2. (C) Summary. We delivered the demarche on asylum seekers in Egypt to Tarek el-Maaty, Deputy Assistant Foreign Minister for Refugees (reftel A). El Maaty stated that the GOE regrets the deaths of those on the border, but Egypt is trying to balance the need to secure its Israel border from terrorists and criminals, with the requests to halt the use of force. El Maaty pointed to the need for the use of some force to secure the "most sensitive border in the world." He reminded us that two Egyptians border guards had been shot and killed at the border in the last 12 months, and told us that those that illegally cross Egypt's border with Israel are considered to be criminals, not asylum seekers. Egypt's security authorities deal with these individuals, not the refugee office. Therefore, el-Maaty lacks information on the status of "hot returns" from Israel and Eritreans finishing their prison sentences. El Maaty will represent Egypt at the UNHCR's October Executive Committee meeting and is willing to meet with a U.S. representative to talk about the flows of African migrants and asylum seekers. End Summary.

[1](#)3. (SBU) PolOff delivered the demarche on asylum seekers in Egypt to Tarek el-Maaty, Deputy Assistant Foreign Minister for Refugees at the Egyptian Ministry of Foreign Affairs on September 16. We stressed USG concerns over the recent shooting of migrants and asylum seekers at the Egypt-Israel border, encouraged Egypt to eliminate the use of deadly force against these migrants and asylum seekers, and asked the Government of Egypt (GOE) to give UNHCR access to Africans asylum seekers, returned from Israel, and detained in Egypt. El Maaty said he would pass on the USG's message to his superiors.

Special Nature of the Egypt-Israel Border

[1](#)4. (C) While agreeing that the shooting deaths of people illegally crossing the Egypt-Israel border were undesirable, el-Maaty disagreed that the Egypt was using excessive force. He highlighted that two Egyptian border guards had also been killed--one in December 2007 and another in August 2008--and pointed to this as evidence that the smugglers, operating in the border area, are armed and dangerous. Consequently, el-Maaty stated that Egypt was trying to balance the need to

secure its borders from terrorism and criminal activities, with the request to halt the shootings of those crossing the border illegally. He highlighted Egypt's current border procedures, which deal with those attempting to cross illegally into Israel (reftel B). He pointed out that all the shootings had occurred at the Israel border, and noted that there had been no shootings on the border with Sudan. The unique procedures are in place, he said, because of the "special nature of Egyptian-Israeli border." He said that Egyptian control over its border with Israel is paramount because it is the "most sensitive border in the world," and he noted that "Israel complains to Egypt about controlling the tunnels and smuggling along the border."

Criminals, not Asylum Seekers

15. (C) El Maaty told us that the GOE considers African migrants that attempt to illegally cross the border to be criminals, not refugees or asylum seekers. "They have not applied with UNHCR in Egypt, or any other country, so they cannot be refugees or asylum seekers," he said. We asked el-Maaty about Egypt's policy for those captured, in the Sinai, attempting to cross the Egypt-Israel border. He told us they are arrested and questioned as any other criminal. During the questioning it is determined whether the individuals need to meet with UNHCR. He explained that only those that explicitly ask for asylum are referred to UNHCR. El Maaty said that the majority of those captured are afraid of being tried and serving a prison sentence in Egypt, so they often express a desire to return to their countries of

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origin.

16. (C) El Maaty stated all Eritrean asylum seekers were being held in Aswan, and that the UNHCR had access to them (reftel C). We queried about Eritreans that had been detained in Egyptian prisons in other locations. El Maaty stated that these Eritreans tried to cross the border into Israel and were criminals, not asylum seekers. We advised that he provide the UNHCR access to the Eritreans that have completed their sentences to determine if they needed protection, or had a reasonable fear of persecution upon their return to Eritrea. He told us that the decision of what to do with them after they complete their prison sentences rests with the security authorities. However, he referenced Article 32 of the 1951 Convention relating to the Status of Refugees, which deals with expulsion, stating that "the GOE considers these criminals to be a threat to national security and public order." El Maaty said that he had no information on the "hot returns" of African migrants from Israel. He did not know how many had been returned, or the whereabouts of these people. El Maaty said that this was a security matter and he would check with security authorities to see if they had information on their status.

17. (C) El Maaty asked for U.S. help in absorbing the African refugees in Egypt because he felt that this will reduce the numbers that try to cross into Israel. Tarek el-Maaty will represent the GOE at the UNHCR's October Executive Committee meeting and is willing to meet with the US representative to identify more humane methods to deal with the flows of African migrants and asylum seekers. He requested that we inform him as to any specific meeting time, and provide him with the name of the U.S. representative. Embassy POC: Todd Watkins (watkinstj@state.gov) at 20-2-2797-2550.

18. (C) Comment: According to el-Maaty, the Egypt-Israel border is handled differently than Egypt's other border areas. El Maaty appeared to be uninformed on the details of the "hot returns" from Israel and hinted that he has little role in the fate of those that the GOE views as criminals, or threats to its national security. However, his reference to Article 32 of 1951 Convention seems to signal that the GOE

may be preparing to expel the Eritrean migrants that have completed their prison sentences. Meanwhile, our discussions with leaders in the African refugee community lead us to believe that the number of asylum seekers and migrants trying to go to Israel will likely increase. African refugees, asylum seekers and migrants in Egypt suffer discrimination, enjoy little economic opportunity, and have little hope of being resettled in third countries. Many have a fear of returning to their countries of origin. One Sudanese NGO leader told us that because of this situation, many Sudanese are considering "attempting the suicide operation of crossing into Israel." End Comment.

SCOBAY